



In the United States Patent and Trademark Office

US Utility Patent Application: 09/841706, filed 04/02/2001

Inventor(s): Wendy C. McArdle et. al.

Agent Docket: bizapp1

Appointed Representative:

M. Conrad Huffstutler, #33907

PO Box 389

Liberty Hill, TX 78642

VOX (512) 5150-5151; FAX (512) 778-6080

This communication is in response to the following two communications:

A. Cover Letter for Correction of Previous Notice dated 26 Jul 2001 (signed by T. Stokes, OIPE)

B. Corrected Notice of Missing Parts 4364 (Form Letter 6201437) dated 26 Jul 2001 (Notice-2).
[Curiously, Notice-2 states that a \$65 late filing fee or oath or declaration surcharge must be paid.]

1,0 Original 4364 Notice-1 stated "\$355 filing fee and/ or small-entity statement is missing".

Appointed Representative provided on 16 Jul 2001 a true and correct copy of the PTO Reply Post Card dated 04/24/01 which confirmed that both the Fee-Payment Authorization and the Small-Entity Statement were in fact received in the PTO on 24 Apr 2001.

1,1 Corrected 4364 Notice-2 now alleges missing inventor declarations. Notice-1 made no mention of a "declaration surcharge" for any missing inventor declaration. As can be seen from the PTO Post Card dated 24 Apr 2001 (see copy submitted 16 Jul 2001), the inventor declaration with three signatures was received in the PTO. **It appears that the inventor declaration, which was received on 24 Apr 2001, became lost between Notice-1 and Notice-2, i.e. in the period 19 Jun 2001 and 26 Jul 2001.**

1,3 Request for \$65 Surcharge Removal. Since there was never any missing filing fee, small-entity statement or inventor declaration, there seems to be no justification for the continued demand for a surcharge penalty. Appointed representative requests that this penalty be removed as a clerical error or the specific PTO rule/ regulation by which it is justified be cited to avoid future misunderstandings.

1,4 Additional fee debit already authorized. Appointed Representative has already responded by providing: (a) a copy of signed original Fee Transmittal form which designated "charge any additional fee required under 35 CFR 1.16 and 1.17".

1,5 Please do not double debit. In case that the asserted \$65 surcharge is actually valid and proper, PTO already has signed authorization to charge my debit account #11-1300. I understand from Ms. Stokes hand-written comments of 26 July 2001 that the \$355 filing fee has already been debited. In case the original debit authorization is not sufficient and the asserted surcharge is actually valid and proper, please use this response as authorization to debit my deposit account #11-1300 for the additional \$65.

2,1 Request - Please Confirm Receipt and Acceptance of Substitute Figures. The 23 sheets of substitute figures already submitted were prepared with careful attention to all the new PTO drawing requirements. In view of the problems in the PTO Receiving Section, Appointed Representative requests written confirmation prior to 1 Sep 2001 that all figures have been received and accepted by the PTO. [see att. copy of PTO Reply Post Card dated 19 Jul 2001]. In case there are now missing or unacceptable figures, supplemental substitute figures can be timely provided prior to the end of the response period for Corrected Notice-2, i.e., prior to 26 Sep 2001.

Respectfully submitted,

M. Conrad Huffstutler #33907

M. Conrad Huffstutler, #33907

Date *16 August 2001*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231, on *16 August 2001*

M. Conrad Huffstutler #33907

Attachments, 3X: copy of PTO Reply Postcard dated 19 July 2001, copy of duplicate Fee Payment Authorization, Part-2 of Corrected Notice-2

0002/PTO U.S. Dept. of Commerce
sub Patent & Trademark Office

Complete if Known

Application Number
Filing date
First Named Inventor **McArdle, Wendy C.**
Group Art Unit
Examiner Name
Atty. Docket No. **bizapp1**



FEE TRANSMITTAL

TOTAL
AMOUNT OF **\$355.00**

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
Deposit Acct. No. **11-1300**

Deposit Acct. Name **MC Huffstutler, Jr**

☒ Charge any additional fee required under 37 CFR 1.16 and 1.17

☐ Charge the issue fee set in 37 CFR 1.18 at the mailing of Notice of Allowance

2. ☐ Payment Enclosed:

(reserved space)

☐ Check

☐ Money Order

☐ Other

FEE CALCULATION (fees effective 10/01/97)

1. FILING FEE

Large Entity		Small Entity			
Fee Code (\$)	Fee Code (\$)	Description	Fee	Fee Paid	
101	201	Utility	355	355	
106	206	Design			
107	207	Plant			
108	208	Reissue			

SUBTOTAL (1) (\$) **\$355.00**

2. CLAIMS

Large Entity		Small Entity			
Fee Code (\$)	Fee Code (\$)	Description	Fee	Fee Paid	
Total Claims					
20	0	11	0		
Independent Claims					
3	0	41	0		
Multiple Dep. Claims					
0	0	135	0		

Large Entity		Small Entity			
Fee Code (\$)	Fee Code (\$)	Description	Fee	Fee Paid	
102	202	41 Ind. claims > 3			
103	203	11 Tot. claims > 20			
104	204	135 Mul. dep. claims			
109	209	Reissue ind. cls > orig.			
110	210	Reissue cls. > 20			

SUBTOTAL (2) **\$0.00**

3. ADDITIONAL FEES

Large Entity		Small Entity			
Fee Code (\$)	Fee Code (\$)	Description	Fee	Fee Paid	
105	205	Surcharge-late filing fee or oath			
139	239	Non-English specification			
147	247	For filing a request for reexamination			
112	212	Requesting publication of SIR prior to Examiner action			
113	213	Requesting publication of SIR after Examiner action			
115	215	Extension for response within first month			
116	216	Extension for response within second month			
117	217	Extension for response within third month			
118	218	Extension for response within fourth month			
119	219	Notice of Appeal			
120	220	Filing a brief in support of an appeal			
121	221	Request for oral hearing			
138	238	Petition to institute a public use proceeding			
140	240	Petition to revive unavoidably abandoned application			
141	241	Petition to revive unintentionally abandoned application			
142	242	Utility issue fee (or reissue)			
143	243	Design issue fee			
144	244	Plant issue fee			
122	222	Petitions to the Commissioner			
126	226	Submission of Information Disclosure Stmt			
581	581	Recording each patent assignment per property (x no. properties)			
114	214	Provisional Application filing			

Other fee (specify)
Other fee (specify)

SUBTOTAL (3) **\$0.00**

DUPLICATE
submitted AUG 16 2001 nca
PLEASE DO NOT DOUBLE DEBIT

SUBMITTED BY

Typed or
Printed Name: **M. Conrad Huffstutler, Jr.**

Signature *M. Conrad Huffstutler #33907*

Date **24 April 2001**

Complete (if applicable)

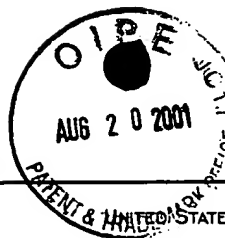
Reg. Number **33907**

Deposit Account
User ID **11-1300
MC Huffstutler**

I hereby certify that this application is not being deposited with the Commissioner of Patents and Trademarks, Washington, DC 20231, on **24 April 2001**
M. Conrad Huffstutler #33907



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/841,706	04/24/2001	Wendy C. McArdle	bizapp1

CONFIRMATION NO. 4364

FORMALITIES LETTER



OC000000006345534

M. Conrad Huffstutler, Jr.
PO Box 389
Liberty Hill, TX 78642

Date Mailed: 07/26/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

submitted AUG 16 2001 act



PTO CARD -- PLEASE RETURN BY US MAIL
UTILITY APP: 09/841706, filed 04/02/2001
INVENTOR(S): Wendy C. McArdle et. al.

LISTING OF ITEMS SUBMITTED on 16 Jul 2001

- 1,0 PART 2 PTO 4364 dated 06/19/2001 - 2 sheets
- 2,0 Copy, Dup. Fee Payment auth form+ PTO Reply Card- 1 sheet
- 3,0 MPEP-Compliant Substitute Drawings - 23 sheets
- 4,0 Response to PTO 4364 + Telcon Summary/Ms. Stokes- 1 sheet
- 5,0 PTO reply postcard

Am. Tamed Supply with #33907 16.07.2001

